

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Applicants: RUTH *et al.*

Examiner:

Serial No.: 10/541,173

Filed: February 6, 2006

Group Art Unit: 1745

For: GAS DIFFUSER SUBSTRATE  
CONTAINING CATALYSTS FOR  
FUEL CELLS, IN ADDITION TO A METHOD  
FOR THE PRODUCTION THEREOF

Customer No.: 23719

Kalow & Springut LLP  
488 Madison Avenue, 19th Floor  
New York, New York 10022

July 2, 2007

**Attention: Office of Initial Patent Examination**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**REQUEST FOR CORRECTED FILING RECEIPT**

SIR:

Attached is a copy of the Filing Receipt received from the United States Patent and Trademark Office for the above-identified U.S. National Phase Application. Applicants believe that the filing receipt indicates an incorrect filing date of February 6, 2006 instead of **February 1, 2006**.

Applicants submitted their executed Declaration in Response to the Notification of Missing Requirements on **February 1, 2006** by first class mail as evidenced by a certificate of mailing dated February 1, 2006. The date that Applicants mailed the executed Declaration to the USPTO is believed to be the filing date of the U.S. National Phase Application.

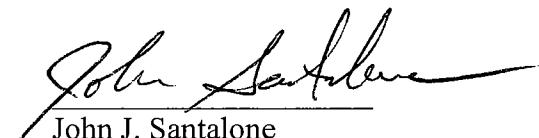
Applicants: RUTH *et al.*  
Serial No.: 10/541,173  
Filing Date: February 1, 2006  
Request to Correct Filing Receipt  
Page 2 of 2

Applicants enclose a copy of the Filing Receipt with a handwritten change for the filing date and respectfully request that a Corrected Filing Receipt be issued for this case.

Also enclosed are copies of the Response to Notification of Missing Requirements showing our first class mailing certification of February 1, 2006 as well as a copy of the postcard that we submitted with the response on February 1, 2006 to support our claim to the February 1, 2006 filing date for this §371 application.

The Patent Office is cordially invited to contact the undersigned attorney for Applicants if there are any questions in connection with this application.

Respectfully submitted,



John J. Santalone  
Registration No.: 32,794  
Attorney for Applicants

Kalow & Springut LLP  
(212) 813-1600

13665

KALOW & SPRINGUT LLP

Docket Number: **UMICORE 0143-US**

Attorney/Agent: **JJS**

Applicant: **RUTH et al.**

Serial No.: **10/541,173**

or Patent No.:

Filed: **June 30, 2005**

or Issued:

The following has been received in the United States Patent and Trademark Office on the date stamped hereon:

IAP6 Rec'd PCT/PTO 06 FEB 2006

- Reply to Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designating/Elected Office with Certificate of First Class Mailing, dated February 1, 2006 (2 pages)
- Notification of Missing Requirements Under 35 U.S.C. in the United States Designated/Elected Office (2 pages)
- Executed Declaration (4 pages)
- Check No. **10655** in the amount of **\$130.00**.

111868

110474.1  
PATENT

DOCKET UMICORE 0143-US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: RUTH, *et al.* Examiner: To be assigned  
Serial No.: 10/541,173 Group Art Unit: To be assigned  
Filed: June 30, 2005  
For: Catalyst Containing Gas Diffusion Layer for Fuel Cells and Process for  
Producing It.

Customer No.: 23719

Kalow & Springut LLP  
488 Madison Avenue, 19th Floor  
New York, New York 10022

February 1, 2006

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REPLY TO NOTIFICATION OF MISSING REQUIREMENTS UNDER  
35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**

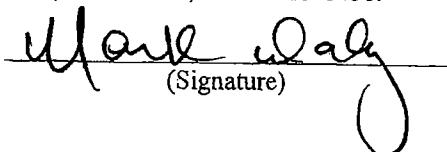
Sir:

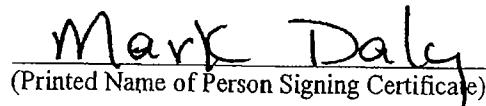
This is a reply in response to the Notice of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office dated December 1, 2005. The period set to reply to the Notice of Missing Requirements expires on February 1, 2006, and therefore this reply is timely filed. Enclosed herewith are the following:

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**Certificate of Mailing Under 37 C.F.R. 1.8**

I hereby certify that this correspondence is being deposited on the date shown below with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
(Signature)

  
(Printed Name of Person Signing Certificate)

2/1/06  
(Date)

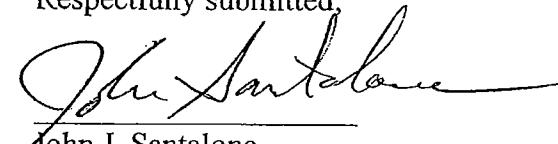
Applicant: RUTH, *et al.*  
Serial No.: 10/541,173  
Filed: June 30, 2005  
Reply to Notification of Missing Requirements  
February 1, 2006  
Page 2 of 2

1. Copy of Notice of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office;
2. A declaration and power of attorney for the above-identified application duly executed by the inventors;
3. A check in the total amount of \$130.00 covering the surcharge for providing the oath or declaration later than the appropriate 30 months from the priority date.

If there are any questions or comments relating to this request, the Examiner is respectfully invited to contact Applicant's attorney at the telephone number set forth below.

If any additional fees are due, or an overpayment has been made, please charge, or credit, our Deposit Account No. 11-0171 for such sum.

Respectfully submitted,



John J. Santalone  
Registration No.: 32,794  
Attorney for Applicant

Kalow & Springut LLP  
(212) 813-1600



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/541,173	Karsten Ruth	Umicore 0143-US
INTERNATIONAL APPLICATION NO.		
PCT/EP03/14839		
I.A. FILING DATE	PRIORITY DATE	
12/23/2003	12/30/2002	
<b>CONFIRMATION NO. 4535</b>		
<b>371 FORMALITIES LETTER</b>		
 *OC000000017553279*		

Date Mailed: 12/01/2005

## NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/30/2005
- Copy of the International Search Report filed on 06/30/2005
- Preliminary Amendments filed on 06/30/2005
- Information Disclosure Statements filed on 06/30/2005
- Copy of references cited in ISR filed on 06/30/2005
- U.S. Basic National Fees filed on 06/30/2005
- Priority Documents filed on 06/30/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Surcharge.

RECEIVED - DEPT.	
12/1/06	
ACTION	MISSING PFS
DATE	2/1/06 - 7/1/06
MWD	

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5).

*A copy of this notice **MUST** be returned with the response.*

DEBORAH D WILLIAMS

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Telephone: (703) 308-9140 EXT 205

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO:	ATTY. DOCKET NO.
10/541,173	PCT/EP03/14839	Umicore 0143-US

FORM PCT/DO/EO/905 (371 Formalities Notice)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/541,173	Karsten Ruth	Umicore 0143-US
INTERNATIONAL APPLICATION NO.		
PCT/EP03/14839		
I.A. FILING DATE		PRIORITY DATE
12/23/2003		12/30/2002
CONFIRMATION NO. 4535		
371 ACCEPTANCE LETTER		
 *OC000000018677302*		

Date Mailed: 05/04/2006

**NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495**

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

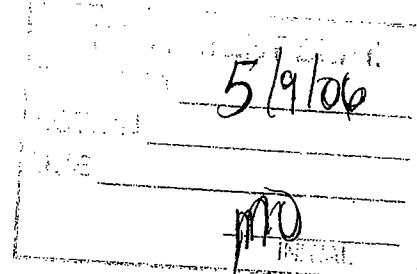
The United States Application Number assigned to the application is shown above and the relevant dates are:

02/06/2006	02/06/2006
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS	DATE OF COMPLETION OF ALL 35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** *The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363).* Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on 06/30/2005
- Copy of the International Search Report filed on 06/30/2005
- Preliminary Amendments filed on 06/30/2005
- Information Disclosure Statements filed on 06/30/2005
- Oath or Declaration filed on 02/06/2006
- Copy of references cited in ISR filed on 06/30/2005
- U.S. Basic National Fees filed on 06/30/2005
- Priority Documents filed on 06/30/2005
- Power of Attorney filed on 02/06/2006



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Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

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DEBORAH D WILLIAMS  
Telephone: (703) 308-9140 EXT 205

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/903 (371 Acceptance Notice)

TJS



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/541,173	02/06/2006	1745	1030	Umicore 0143-US	2	19	1

02/01/06

23719  
 KALOW & SPRINGUT LLP  
 488 MADISON AVENUE  
 19TH FLOOR  
 NEW YORK, NY 10022

CONFIRMATION NO. 4535

## FILING RECEIPT



\*OC000000018677300\*

Date Mailed: 05/04/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Karsten Ruth, Alzenau, GERMANY;  
 Karl-Anton Starz, Rodenbach, GERMANY;  
 Marco Lopez, Frankfurt, GERMANY;

**Power of Attorney:** The patent practitioners associated with Customer Number 23719.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP03/14839 12/23/2003

## Foreign Applications

EUROPEAN PATENT OFFICE (EPO) 02029084.7 12/30/2002

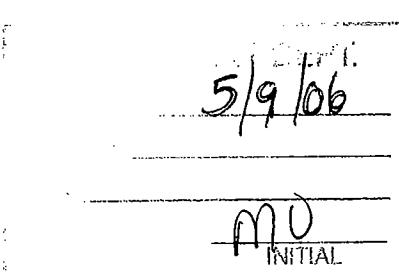
**Projected Publication Date:** 08/10/2006

**Non-Publication Request:** No

**Early Publication Request:** No

## Title

Gas diffuser substrate containing catalysts for fuel cells, in addition to a method for the production



thereof

**Preliminary Class**

429

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).